

REMARKS

Claims 15-24 and 27-34 are pending in the present application. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

Claims 15-24 and 27-34 were rejected under 35 U.S.C. §112, second paragraph. Applicants have amended the claims to overcome this rejection. Applicants have attempted, and believe that they have, addressed each of the noted concerns by rewriting claims to positively recite the method steps and clarify the claimed invention. If any issues remain, the Examiner is requested to contact the undersigned to address them and advance prosecution. Withdrawal of this rejection is respectfully requested.

Claims 15-24¹ and 27-34 were rejected under 35 U.S.C. §103 as being unpatentable over Applicants' admitted prior art in view of Chow (U.S. Patent No. 6,594,761) and Kocher (U.S. Patent No. 6,278,783). These rejections are respectfully traversed for the following reasons. Applicant respectfully submits that Chow is not prior art to the present application, for the reasons set forth in the attached declaration of the inventors under 37 C.F.R. § 1.131. Specifically, the inventors had actually reduced to practice, and thus made our invention, prior to the June 9, 1999 filing date of Chow. See § 131 Declaration submitted on even date herewith. As evidence of such reduction to practice, the inventors attached a copy of a description of the invention and a listing of computer code as Exhibit A, having a date (redacted) which is prior to the June 9, 1999, filing date of Chow. § 131

Declaration, ¶ 1. Exhibit A in its entirety was sent, the day after its creation, by mail to the inventors' patent attorney, Mr. J. Barbin, at Cabinet Bonnet-Thiron. A copy of the letter is attached as Exhibit B to the declaration. § 131 Declaration, ¶ 6. All of work done in preparation of Exhibit A was done by the inventors or under the direct supervision of at least one of them, and the computer code shown implements the claimed invention. § 131 Declaration, ¶ 8. The work reflected in Exhibit A was conducted in France after January 1, 1996, and prior to June 9, 1999. § 131 Declaration, ¶ 9. In view of the § 131 Declaration, Applicant respectfully submits that Chow has been removed as a reference, thus overcoming this rejection. Withdrawal thereof is respectfully requested.

In view of the above amendment and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of record. Applicant submits that the application is in condition for allowance and early notice to this effect is most earnestly solicited.

If the Examiner has any questions he is invited to contact the undersigned at 202-628-5197.

¹ Although the first paragraph in section 10 of the Office Action does not list claims 20-21, they are addressed in the body of the rejection.

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ATTY.'S DOCKET: AKKAR=1

Respectfully submitted,

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